

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:15CR00556 JAR
)	
ORLANDO STEWART,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge John M. Bodenhausen (ECF No. 51). On April 22, 2016, Defendant Stewart filed a Motion to Suppress Statements and Evidence (ECF No. 26). Thereafter, Defendant Stewart filed a Motion for Leave to Supplement Previously Filed Motion to Suppress (ECF No. 47). Magistrate Judge Bodenhausen recommends the Court deny in part and grant in part Defendant's Motion to Suppress Statements and recommends the Court deny Defendant's request to Suppress Physical Evidence.

Pursuant to 28 U.S.C. § 636(b), these matters were referred to United States Magistrate Judge John M. Bodenhausen, who filed a Report and Recommendation on June 30, 2016 (ECF No. 51).¹ Defendant Stewart filed objections to the Report and Recommendation on July 28, 2016 (ECF No. 65).² Defendant Stewart summarily states that he objects to several conclusions drawn by Magistrate Judge Bodenhausen, but fails to provide any countervailing rationale for his position. The Court finds that the Magistrate Judge's conclusions are supported by the evidence,

¹ As Defendant requested, and the Court appointed, new counsel during the Objection period, the Court granted Defendant Stewart's request for additional time to file objections to the R&R. (ECF No. 60).

² Defendant filed pro se pleadings before the appointment of new counsel. As Defendant is now represented by counsel, the Court did not consider Defendant's pro se pleadings, and is denying them as moot. If appointed counsel believes these require further consideration, appropriate motions can be filed.

and Defendant Stewart's objections are not persuasive. The Court also notes that Magistrate Judge Bodenhausen, in reviewing the evidence and issuing the R&R, considered and ruled on Defendant Stewart's Motion for Leave to Supplement Previously Filed Motion to Suppress. (ECF No. 47)

The Magistrate Judge recommends that the Motion to Suppress Statements be granted in part and denied in part, and the Motion to Suppress Evidence (ECF No. 26) be denied. After de novo review of this matter, this Court adopts the Magistrate Judge's recommendation.


Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [51] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that the Motion to Suppress Statements [26] is **GRANTED in part and DENIED in part**, and the Motion to Suppress Physical Evidence is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Pro Se Motion for Relief from Numerous Plain Errors [64] is **DENIED as moot**.

Dated this 2nd day of August, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE